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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CONSTANT FITZGERLD YOUNG, and
Individual,

Plaintiff,

V.

WALMART, INC., d/b/a WALMART #2592; WAL-MART STORES, INC.; WAL-MART NEIGHBORHOOD MARKET; DOE PROPERTY OWNER I-V; ROE PROPERTY OWNER I-V; DOE JANITORIAL EMPLOYEE I-V; ROE JANITORIAL COMPANY I-V; ROE MAINTENANCE COMPANY I-V; ROE PROPERTY MANAGEMENT COMPANY IV; DOE MAINTENANCE WORKER I-V; DOE PROPERTY MANAGER I-V; DOE EMPLOYEE I-V; ROE EMPLOYER I-V; and ROE COMPANIES I-V, inclusive, jointly and severally,

Defendants.

CASE NO.: 2:23-cv-02016-JCM-NJK

**JOINT PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER**

[SUBMITTED IN COMPLIANCE
WITH LR 26-1(B)]

1 Plaintiff, CONSTANT FITZGERLD YOUNG, by and through his counsel of record,
 2 GINA CORENA & ASSOCIATES, and Defendant, WALMART, INC., by and through its
 3 counsel of record, the law firm of HALL & EVANS, LLC, hereby submit their Joint Proposed
 4 Discovery Plan and Scheduling Order pursuant to Fed R. Civ. P. 26(f) and Local Rules 26-1(b).
 5 The Parties jointly respectfully request that the Court: 1) approve this plan, and 2) implement
 6 the plan as a scheduling order.
 7

8 The FRCP 26(f) conference was held on January 3, 2024, by and between Mahna
 9 Pourshaban, Esq. for Plaintiff, and Madison M. Aguirre, Esq. for Defendant. The Parties have
 10 agreed to exchange initial disclosures no later than January 5, 2024. The Parties propose the
 11 following discovery plan:
 12

I. ESTIMATED TIME REQUIRED FOR DISCOVERY:

a. Date of Defendants' Answer or Appearance (LR 26-1(b)(1)):

On October 25, 2023, Plaintiff filed his Complaint and Demand for Jury Trial in the Eighth Judicial District Court for Clark County, Nevada. On November 16, 2023, Defendant filed its Answer to Plaintiff's Complaint in the Eighth Judicial District Court for Clark County, Nevada. Subsequently, on December 6, 2023, this matter was removed from the Eighth Judicial District Court to the United States District Court, District of Nevada. (ECF No. 1). On December 6, 2023, Defendant filed its Certificate of Interested Parties. (ECF No. 2). On December 20, 2023, Defendant filed its Statement Regarding Removal. (ECF No. 5).

b. Proposed Discovery Cut-Off (LR 26-1(b)(1)):

Accordingly, the parties have requested that the discovery period of 180 days commence on the day of Defendant's Answer. Accordingly, all discovery must be completed no later than: May 14, 2024. The parties may conduct discovery within the scope of Fed. R. Civ. P. 26(b). Subject to the foregoing, discovery need not be limited or focused on particular issues or

1 conducted in phases.

2 **II. AMENDING THE PLEADINGS AND ADDING PARTIES (LR 26-1(b)(2)):**

3 Motions to amend pleadings and add parties shall be filed no later than ninety (90) days
4 before the close of discovery: February 14, 2024.

5 **III. DISCLOSURES (Fed. R. Civ. P. 26(f)(3)(A); LR 26-1(b)(3)):**

6 a. Initial Expert Disclosures:

7 Pursuant to FRCP 26(a)(2)(D)(i), initial expert disclosures shall be due no later than
8 sixty (60) days before the close of discovery: March 15, 2024.

9 b. Rebuttal Expert Disclosures:

10 Pursuant to FRCP 26(a)(2)(D)(ii), rebuttal expert disclosures shall be due no later than
11 thirty (30) days before the close of discovery: April 15, 2024.

12 **IV. DISPOSITIVE MOTIONS (LR 26-1(b)(4)):**

13 The deadline for filing dispositive motions shall be thirty (30) days after the close of
14 discovery: June 13, 2024.

15 **V. JOINT PRE-TRIAL ORDER (LR 26-1(b)(5), (6)):**

16 If no dispositive motions are filed, and unless otherwise ordered by this Court, the joint
17 pre-trial order shall be filed no later than thirty (30) days after the date set for filing dispositive
18 motions: July 15, 2024. The joint pre-trial order shall include the disclosures required by Fed.
19 R. Civ. P. 26(a)(3) and any objections to them.

20 In the event a dispositive motion is timely filed, the date for filing the joint pre-trial
21 order shall be suspended until thirty (30) days after the Court enters a ruling on the dispositive
22 motion, or otherwise by further Court order.

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1 **VI. ALTERNATIVE DISPUTE RESOLUTION (LR 26-1(b)(7)):**

2 The parties certify that they met and conferred about the possibility of using alternative
3 dispute resolution processes including mediation and arbitration. While the parties are open to
4 various means of resolution, they agree additional discovery must be obtained prior to
5 scheduling any kind of alternative dispute resolution. Counsel further agree that a settlement
6 conference will be beneficial after discovery is concluded.
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8 **VII. ALTERNATIVE FORMS OF CASE DISPOSITION (LR 26-1(b)(8)):**

9 The parties hereby certify that they considered consent to trial by a magistrate judge
10 under 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73, use of the Short Trial Program (General Order
11 2013-01). The parties do not consent to those forms of dispute resolution at this time.

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VIII. ELECTRONIC EVIDENCE (LR 26-1(b)(9)):

The parties hereby certify that they met and conferred regarding their intentions to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties did not come to any stipulations regarding providing discovery in an electronic format.

DATED this 3 rd day of January, 2024. HALL & EVANS, LLC <u>/s/Kurt R. Bonds</u> KURT R. BONDS, ESQ. Nevada Bar No. 6228 MADISON M. AGUIRRE, ESQ. Nevada Bar No. 16183 TANYA M. FRASER, ESQ. Nevada Bar No. 13872 1160 North Town Center Drive Suite 330 Las Vegas, Nevada 89144 <i>Attorneys for Defendant</i>	DATED this 3 rd day of January, 2024. GINA CORENA & ASSOCIATES <u>/s/Mahna Pourshaban</u> GINA M. CORENA, ESQ. Nevada Bar No. 10330 MAHNA POURSHABAN, ESQ. Nevada Bar No. 13743 GINA CORENA & ASSOCIATES 300 S. 4th Street, Suite 1400 Las Vegas, NV 89101 <i>Attorneys for Plaintiff</i>
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ORDER

IT IS SO ORDERED.

Dated: January 4, 2024

UNITED STATES MAGISTRATE JUDGE